

REMARKS

Claims 90-103 are currently pending. Claims 42-45, 48-61, and 80-88 have been canceled without prejudice or disclaimer. Claims 90-103 have been added. The amendment is supported by Applicant's original disclosure, including the original claims, canceled claim 45, Figures 9-14, and page 29, line 24, through page 32, line 2, and page 46, line 23, through page 50, line 15. It is respectfully submitted that no new matter has been added.

Response to Arguments

Applicant's disclosure explains how first an ENUM query is done and then if no NAPTR RR is received, media/QoS requirements of the message itself is studied by the S-CSCF. The Patent Office presumes that the ENUM query contains the media/QoS requirement checking of the message. However this is not true. The ENUM query regards only the address information (i.e. usually header information) in the message.

Assuming a terminal has a certain address, all types of data will be transmitted to the terminal to the same address regardless of the media/QoS requirements of the message (i.e. media/QoS requirements concern issues like is the data e-mail, video, SMS, speech etc). By making an ENUM query, one cannot determine whether the routable message/session/message set is e-mail, speech, video or the type of the data. By making an ENUM query, only address information can be determined.

The Patent Office asserted "The requirement being in the trusted network is considered as media requirement." However, in this scenario, when no NAPTR RR is given, Applicant discloses there is an ENUM query. The address information determined from this ENUM query is either a non-IMS identity, for a trusted operator, or an IMS identity, for an untrusted operator. Because of the so determined address information, an additional check of the message media/QoS requirements is done. Thus, the ENUM query does not resolve whether the network is trusted or not.

Nevertheless, without admitting implicitly or explicitly that amendment of the claims is needed, to advance prosecution, Applicant has added claims.

Allowable Subject Matter

The Patent Office is thanked for its indicated that claim 54 would be allowable if rewritten in independent form and also to overcome the 101 rejection.

Claim Rejections under 35 U.S.C. 101

The Patent Office rejected claims 42-45, 48-60, and 84-88 under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention.

As these claims have been canceled, the rejection of these claims under 35 U.S.C. 101 is moot.

Claim Rejections under 35 U.S.C. § 112, second paragraph

The Patent Office rejected claims 45, 56, and 57 under 35 U.S.C. 112, second paragraph, as being indefinite.

As these claims have been canceled, Applicant respectfully submits that the rejection of these claims under 35 U.S.C. 112, second paragraph is moot.

Claim Rejections under 35 U.S.C. 102(e) and 103(a)

The Patent Office rejected claims 42-45, 48-50, 55-58, 60, 61, and 80-88 under 35 U.S.C. 102(b) as being anticipated by Applicant's Background of the Invention (APA) on pages 1-4.

For a claim to be anticipated, each and every non-inherent claim limitation must, in generally, be disclosed in a single reference. (From MPEP 2131)

The Patent Office rejected claim 51 under 35 U.S.C. 103(a) as being unpatentable over APA in view of Pirkola, WO 00/79825.

The Patent Office rejected claims 52, 53, and 86 under 35 U.S.C. 103(a) as being unpatentable over APA in view of 3GPP TS 23.228 V5.5.0, p. 32.

The Patent Office rejected claim 59 under 35 U.S.C. 103(a) as being unpatentable over APA in view of Rosenberg, RFC 3261.

New claims 90-103, based on the subject matter of indicated-as-allowable claim 54 and its intervening and base claims, are believed to patentable over the prior art of record.

Applicant has added claims 90-103 based on the subject matter of claims 52-54 and

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believes that all currently pending claims are allowable.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 42-45, 48-61, and 80-88 under 35 U.S.C.102(b) based on APA and under 35 U.S.C. 103(a) based on APA in view of TS23.228 (3GPP), Rosenberg, and/or Pirkola, and to allow all of the pending claims as now presented for examination. An early notification of the allowability of now pending claims 90-103 is earnestly solicited.

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